

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 05-30089 (RGS)

FIREMAN'S FUND INSURANCE COMPANY  
As Subrogee of  
Thirty Four Lime Street Trust, et al  
777 Marin Drive  
Novato, California 94998  
Plaintiff

VS

C. H. NEWTON CONTRACTORS  
549 W. Falmouth Highway  
Falmouth, MA 02540

and

ALAIRE PLUMBING & HEATING  
29 Gemmur Lane  
Bellingham, MA 02019-1905  
Defendants

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**STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P., Rule 41(a)(1)(ii), the parties to the above-entitled action hereby stipulate that this action be dismissed with prejudice, without costs, and all rights of appeal being waived.

By,

/S/ Brian M. Cullen  
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/S/ Erik Loftus

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/S/ Scott Jay Tucker

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Dated: 1/8/07

I, Brian M. Cullen, hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on January 8, 2007.

/s/ Brian M. Cullen  
Brian M. Cullen